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Atty. Docket: 3643/0176
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George S. Gabriel et al.

Serial No.: 09/173,134

Art Unit: 3643

Filed: October 15, 1998

Examiner: Son T. Nguyen

For: MULTISPECIES RODENT CAGE

January 28, 2002

DECLARATION OF DIETRICH CRASE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Declaration is submitted by the undersigned, Dietrich Crase, who makes the following Declaration:

1. I am currently Associate Director of Pharmacology at Advanced Medicine, 901 Gateway Boulevard, South San Francisco, California 94080. I have held that position since 1998. I have no financial interest in Lab Products, Inc. (LPI), or in any entity related thereto or affiliated therewith

2. As Associate Director of Pharmacology, my responsibilities include the selection and purchase of laboratory equipment, including rodent cages and systems.

3. Advanced Medicine's laboratory is relatively small with limited storage space. Despite those physical limitations, our laboratory has very high throughput. By that I mean that we conduct a substantial amount of animal evaluations and testing on a variety of animal types. Most of our animal evaluations and testing are conducted on rodents; namely mice and rats. Consequently, we frequently must reconfigure our laboratory space to accommodate a different

rodent type upon completion of one test. It is thus necessary for us to inventory rodent cage and rack systems for each rodent type that may be subject to evaluation or testing in our laboratory.

4. At least before 1999, Advanced Medicine was purchasing a variety of different sized rodent cages and systems from various suppliers to accommodate a variety of different rodent types and sizes. One of the various suppliers was LPI.

5. In or around 1999, Advanced Medicine decided to incorporate into its operations a rodent caging system that would allow maximum versatility, while at the same time employing a minimum number of components, sizes, styles, etc. Also in or around 1999, Advanced Medicine became aware of the One Cage™ System being offered for sale by LPI. At that time, Advanced Medicine could find no other cage level barrier rodent cage available from any supplier other than LPI that would satisfy Advanced Medicine's rodent caging system needs.

6. LPI's One Cage™ System met Advanced Medicine's rodent caging system needs (see number 5, above) exceedingly well and enabled Advanced Medicine to accommodate different rodent species (i.e., sizes) in the same room, even on the same rack, with the additional benefit of reducing inventory of cage types.

7. The "standardized caging" provided by LPI's One Cage™ System has greatly enhanced Advanced Medicine's efficiency and laboratory and storage space utilization.

8. The benefits recognized by Advanced Medicine, as set forth in paragraphs 6 and 7 above, are due to the ability of LPI's One Cage™ System to accommodate a plurality of rodent types, and to its unique size and proportion, specifically, to the fact that the cage level barrier rodent cage of the One Cage™ System has a floor with a footprint with an area of 80 square

inches. Moreover, the One Cage™ System meets ILAR requirements for each rodent type housable within the One Cage™ System.

9. Since LPI's introduction of its One Cage™ System, Advanced Medicine has not found any other cage level barrier rodent cage of the One Cage™ System has a floor with a footprint with an area of 80 square inches, and that can accommodate a plurality of different rodent types, while meeting ILAR requirements for each rodent type, as can the One Cage™ System.

10. One reason Advanced Medicine selected and continues to purchase LPI's One Cage™ System is the cost savings we realize by not having to purchase and inventory different cage level barrier rodent cages and systems for our different rodent type needs. We can now purchase a single cage level barrier rodent cage and system for all of our rodent types.


11. Another reason Advanced Medicine selected and continues to purchase LPI's One Cage™ System is that it provides us with the ability to standardize the size of our cage level barrier rodent cages and systems. We have been able to significantly improve our use of laboratory and inventory space as a result of the standardized cage and rack footprint provided by the One Cage™ System. We have also been able to more easily transition from evaluating or testing different rodent types. I believe that the One Cage™ System is a significant improvement over other commercially available cage level barrier rodent cages and system because it results in a more efficient use of valuable laboratory space and simplified facilities planning and design.

12. I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these

Application Serial No.: 09/173,134
January 28, 2002

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: January 25, 2002


Dietrich Crase
Associate Director of Pharmacology

Atty. Docket No.: 364106/0176
SBP:DMF



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George S. Gabriel et al.

Serial No.: 09/173,134

Art Unit: 3643

Filed: October 15, 1998

Examiner: Son T. Nguyen

For: MULTISPECIES RODENT CAGE

January 28, 2002

DECLARATION OF BETTY FATZIE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Declaration is submitted by the undersigned, Betty Fatzie, who makes the following
Declaration:

1. I am currently Executive Vice President of Sales at Lab Products, Inc. (LPI), Assignee of Record of the above-identified application. I have been involved continuously in the marketing and sale of laboratory animal cages and systems for LPI for over twenty-five years.
2. In 1998, LPI introduced to the public the One Cage™ System, a multipurpose cage level barrier rodent cage for housing multiple species of rodents. LPI began selling the One Cage™ System to the public in 1999.
3. Each cage level barrier rodent cage of the One Cage™ System is covered by claims 1 and 2 of the above-identified patent application. By that I mean a cage level barrier rodent cage of the One Cage™ System has a floor with a footprint with an area of 80 square inches.

4. Each One Cage™ System (including a cage level barrier rodent cage and a rack) is covered by claims 3-6 of the above-identified patent application. By that I mean each cage level barrier rodent cage of the One Cage™ System has a floor with a footprint with an area of 80 square inches, and each rack has a depth that is less than or equal to 36 inches.

Advantageously, that rack depth enables the One Cage™ System to fit through a standard commercial doorway (typically measuring 37.5" from door-jam to door-jam).

5. At the time LPI introduced the One Cage™ System in 1998, LPI was not aware of any other cage level barrier rodent cage which had a floor with a footprint of 80 square inches that could house any of a plurality of rodent types (e.g., rats, mice, hamsters and guinea pigs) and that met ILAR standards for each rodent type.

6. LPI is currently not aware of any other cage level barrier rodent cage which has a floor with a footprint of 80 square inches that can house any of a plurality of rodent types (e.g., rats, mice, hamsters and guinea pigs) and that meets ILAR standards for each rodent type.

7. At the time LPI introduced the One Cage™ System in 1998, LPI was not aware of any other rodent housing system having a cage level barrier rodent cage which had a floor with a footprint of 80 square inches and a rack with a depth that is less than or equal to 36 inches, and that could house any of a plurality of rodent types (e.g., rats, mice, hamsters and guinea pigs) and that met ILAR standards for each rodent type.

8. LPI is currently not aware of any other rodent housing system having a cage level barrier rodent cage which has a floor with a footprint of 80 square inches and a rack with a depth that is less than or equal to 36 inches, and that can house any of a plurality of rodent types (e.g., rats, mice, hamsters and guinea pigs) and that meets ILAR standards for each rodent type.

9. At the time LPI began selling the One Cage™ System in 1999, LPI was selling numerous other cage level barrier rodent cages and systems under the brand names MOUSE MICRO ISOLATOR SYSTEM, LOW PROFILE MOUSE MICRO ISOLATOR SYSTEM, RAT MICRO ISOLATOR SYSTEM, LARGE MOUSE MICRO ISOLATOR SYSTEM, HAMSTER MICRO ISOLATOR SYSTEM, GUINEA PIG MICRO ISOLATOR SYSTEM, SUPER MOUSE MICRO ISOLATOR SYSTEM, and SUPER MOUSE 750 MICRO ISOLATOR SYSTEM. Each of these various cage level barrier rodent cages and systems are intended for use with a single, specific rodent type, and each is sized to house a single specific rodent type or a plurality of that specific rodent type, and to meet ILAR standards.

10. As previously stated, LPI sold the first One Cage™ System in 1999. In the first three years after its introduction, gross sales for the One Cage™ System for the period 1999-2001 were \$9,430,000. That represents 24% of LPI's gross sales for the period 1999-2001 for all its cage level barrier rodent cages and systems.

11. Thus, despite the fact that, in 1999, LPI already offered and sold a plurality of cage level barrier rodent cages and systems, each sized and shaped for a particular rodent type (and rodent size), LPI's introduction in 1998, and first sales in 1999, of the One Cage™ System was hugely successful and immediately displaced sales for LPI's existing cage level barrier rodent cages and systems.

12. One reason for this immediate commercial success is the fact that LPI's One Cage™ System satisfied a particular need for certain customers because the One Cage™ System eliminates the need for a laboratory to purchase and inventory a plurality of cage and rack sizes for distinct types (species) of rodents. For example, the approximate cost of a single LPI cage

level barrier rodent cage system for mice only is \$45,000. The approximate cost of a single LPI cage level barrier rodent cage system for rats only is \$25,000. The approximate cost of a single LPI cage level barrier rodent cage system for guinea pigs only is \$25,000. The approximate cost of a single LPI cage level barrier rodent cage system for hamsters only is \$25,000. A customer would have to spend approximately \$120,000 to purchase four separate cage level barrier rodent cage systems necessary to house rats, mice, guinea pigs and hamsters. The cost of a comparably equipped One Cage™ System (a rack, cages and feeders that could accommodate mice, rats, guinea pigs and hamsters) is approximately \$35,000. Thus, because of LPI's introduction of the One Cage™ System, a customer's cost to purchase the cage level barrier rodent cage systems necessary to house mice, rats, guinea pigs and hamsters has been reduced by approximately \$85,000, for a comparable system.

13. Another reason for the immediate commercial success of LPI's One Cage™ System is that it provides customers with the ability to standardize the size of their cage level barrier rodent cages and systems. That significant improvement over prior art cages and systems results in more efficient use of valuable laboratory space and simplifies facilities planning and design. Prior art cage level barrier rodent cages and systems have different cage and rack footprints for different rodent types. Thus, a mice-only cage and system takes up a different amount of laboratory and inventory space than a rat-only cage and system. Consequently, it is difficult to plan and make efficient use of valuable laboratory and inventory space because the type of rodent being evaluated (and thus the size of the cage and system required) is subject to change. LPI's One Cage™ System advantageously provides a single rack footprint for a plurality of rodent types, while meeting ILAR standards. That unique and advantageous feature

provides for more efficient utilization of laboratory floor space, and facilitates planning for future floor spaces needs because customers need not be concerned with different size cage and racks for different rodent types. Regardless of the type of rodent being evaluated, the size of the cages and racks does not change. In addition, the standardized cage and rack size provided by LPI's One Cage™ System enables customers to reduce their inventory requirements because a single size cage level barrier rodent cage may now be inventoried, instead of a different cage for each rodent type.

14. Still another reason for the immediate commercial success of LPI's One Cage™ System is that it eliminates the inefficiency that occurs during cleaning, sorting and delivering the various different size and shape cage level barrier rodent cages when transitioning from one study to the next, or in the ordinary course of cleaning the cages during a particular study. For example, during a study, each rodent cage must be disassembled, cleaned, reassembled, fitted in an appropriate rack, and delivered to the laboratory where it is next needed. It should be noted that a typical cage level barrier rodent cage includes a cage bottom, wire lid, top, feeder, water bottle, and other components that are all uniquely suited for a particular rodent type. Those various components are not interchangeable from one rodent cage or system to another. All of these various component parts of the rodent cage are cleaned many times during a study. The various different size rodent cages are typically delivered to a cleaning room, where a technician will perform the steps necessary to ensure proper cleaning of the rodent cages. From the illustrative list provided above in paragraph 9, it can be seen that the number of different type and size rodent cages presents a significant burden on the cleaning room technicians to sort, reassemble, and deliver the proper rodent cage (and its component parts) to the proper laboratory

for the next study. In some cases, a test facility will have multiple laboratories located on different floors and possibly in different buildings, further exacerbating the burden on the cleaning room technician. LPI's One Cage™ System provides a single cage level barrier rodent cage and rack that virtually eliminates the undesirable shortcomings described above. Sorting of the various rodent cages (and their respective component parts) is eliminated during cleaning, as the same cage level barrier rodent cage and rack may be used to house a plurality of different rodent types. Reassembly is significantly simplified as the cleaning room technician need not be concerned with matching the various component parts of the rodent cage. With LPI's One Cage™ System, a single cage level barrier rodent cage and rack replace the various different cage level barrier rodent cages and racks previously required for the different rodent types. Thus, LPI's One Cage™ System provides a single cage level barrier rodent cage and rack that may be used for any of a mice, rat, guinea pig or hamster, with standardized component parts (including a cage level barrier rodent cage and rack).

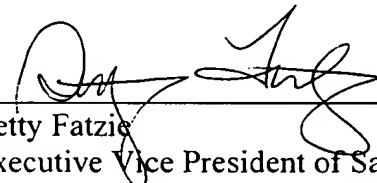
15. One customer that recognized and benefited from the unique advantages provided by LPI's One Cage™ System is Advance Medicine, Inc. In 1999, Advanced Medicine purchased 10 One Cage™ Systems. As evidenced by the Declaration of Dietrich Crase, Associate Director of Pharmacology for Advanced Medicine (filed concurrently herewith), the One Cage™ System solved myriad problems for Advanced Medicine. For example, the unique size of the One Cage™ System (i.e., the floor of the cage having an area of 80 square inches while still meeting all ILAR requirements for the plurality of rodent types housable within the One Cage™ System) enabled Advanced Medicine to accommodate different rodent species in the same rack, and to reduce the inventory of different cage types. The standardize caging

Application Serial No.: 09/173,134
January 28, 2002

provided by the One Cage™ System greatly enhanced Advanced Medicine's efficiency and space utilization in their laboratory.

16. I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 1/25, 2002


Betty Fatzie
Executive Vice President of Sales

Atty. Docket No.: 364106/0176
SBP:JFD



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George S. Gabriel et al.

Serial No.: 09/173,134

Art Unit: 3643

Filed: October 15, 1998

Examiner: Son T. Nguyen

For: MULTISPECIES RODENT CAGE

DECLARATION OF NEIL CAMPBELL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Declaration is submitted by the undersigned, Neil Campbell, who makes the following Declaration:

1. I am currently President of Lab Products, Inc. ("LPI"), Assignee of Record of U.S. Patent Application Serial No. 09/173,134 (the "Application"). I have been involved continuously in the development, marketing and sales of laboratory animal cages and systems for LPI for over 30 years.

2. I am a co-inventor of the inventions described and claimed in the Application. As such, I have read and understand the Application and the amendments thereto, and I am familiar with the claims of the Application as they presently stand.

3. The discovery of the problem to which the invention claimed in this Application is directed was a significant aspect of the invention, and demonstrates why the instant invention is patentable over the prior art.

4. As background, the Institute for Laboratory Animal Research (ILAR) publishes guidelines for cage size, each set of guidelines corresponding to a different animal size and/or species. These guidelines are meant to provide information so that different species of animals may be properly housed during laboratory experiments. For example, for mice that weigh more than 25 grams, a cage having a floor dimension of at least 15 square inches per mouse is required. Similarly, rats up to 400 grams in size require a cage floor dimension of at least 40 square inches per rat. For hamsters that weigh more than 100 grams, a cage floor dimension of at least 19 square inches per hamster is required.

5. Prior to the present invention, research laboratories performing animal studies typically had many types of rack and cage systems, each type being designed to house a specific animal species while meeting ILAR guidelines for that specific species, and consequently, each cage and rack type had its own particular size and dimensions.

6. As further background, the following information regarding the development and use of animal rack and cage systems is provided. In the late 1940's, the performing of toxicology and other scientific experiments on animals became more prevalent. During this period, animals were typically housed in a variety of containers, including glass jars, boxes, and stainless steel containers wherein the animal would be located on a wire grid "floor," with a metal tray positioned below to collect fecal matter from the animal. These animal containers typically were designed in an ad-hoc fashion, on a study-by-study as-needed basis. As such,

these animal containers were not formed in any standard size or shape, were relatively expensive to fabricate, and were generally produced in low volumes.

7. During the early 1950's, as the use of plastics in manufacturing became more common, work began on the development of plastic animal cages. Plastic animal cages were generally less expensive to make than previously produced metal and glass cages, and were easier to clean and store (some allowing for nesting of containers) than the previously designed metal and glass animal cages.

8. By the early 1960's, different sizes of plastic animal cages began to arise. Generally, plastic cages thought to be acceptable for housing mice were developed. Then, when cages were needed to house, for example, rats, larger or taller cages were provided because the rats were generally larger and taller than mice. Again, typically, each scientist performing an experiment would tend to design an animal cage and rack system in accordance with the specific arbitrary requirements of the particular experiment or study to be performed.

9. By the 1960's, the ILAR guidelines had been established. These guidelines have been updated and revised over the years. The ILAR guidelines are not a law, but instead, are use and care guidelines for the manner in which laboratory animals should be housed. While not legal standards, the ILAR guidelines are used for accreditation purposes by, for example, the Association for Assessment and Accreditation of Laboratory Animal Care (AAALAC). AAALAC international accreditation is crucial for research laboratories, because such accreditation is often necessary for the labs to obtain funding, to attract top researchers, and to maintain a solid reputation in the animal research field.

10. During the late 1970's, and early 1980's, as research laboratory space was becoming more and more expensive, it became more important to be able to house relatively large lab animal populations in relatively smaller spaces. In other words, increased animal storage density became more important.

11. As animal density became more important, manufacturers began to develop standardized cage and rack systems for different species types. For example, one type was manufactured to meet the ILAR guidelines for mice, while another system was designed and manufactured to meet the ILAR guidelines for rats. Accordingly, each generation of cage and rack system for mice was made more efficient, as was each generation of rack and cage system designed to house rats.

12. For example, U.S. Patent No. 4,989,545 to Sheaffer et al. ("Sheaffer"), describes a ventilated cage and open rack system in which the rack includes a filter bonnet for removing air from a filter bonnet positioned on top of the sidewalls of the cage. Sheaffer is assigned to LPI, which, as stated above, is the assignee of record of the present Application. Because LPI manufactured the cages depicted in the Sheaffer patent, I have personal knowledge that the animal cage and rack systems described in then Sheaffer patent were each directed to a single animal type or size. There is not a single word in the Sheaffer patent that would suggest a cage wherein the overall dimensions of the cage are designed to simultaneously meet ILAR guidelines for more than one animal species.

13. U.S. Patent No. 5,894,816 to Coiro, Sr. et al. ("Coiro") is directed to an animal cage wherein the dimensions of the floor of the cage are larger than a standard cage having the same top dimensions, so that a larger floor space may be obtained with a cage that still fits a

previously designed lid. Again, I am aware of products sold related to Coiro, and each of these is designed to be used with a single species or size of animal. Coiro does not discuss a cage wherein the overall dimensions of the cage are designed to simultaneously meet ILAR guidelines for more than one animal species.

14. As another example, prior to the time of the conception of the present invention, LPI was selling numerous other cage level barrier rodent cages and systems under the brand names MOUSE MICRO ISOLATOR SYSTEM, LOW PROFILE MOUSE MICRO ISOLATOR SYSTEM, RAT MICRO ISOLATOR SYSTEM, LARGE MOUSE MICRO ISOLATOR SYSTEM, HAMSTER MICRO ISOLATOR SYSTEM, GUINEA PIG MICRO ISOLATOR SYSTEM, SUPER MOUSE MICRO ISOLATOR SYSTEM, and SUPER MOUSE 750 MICRO ISOLATOR SYSTEM. Each of these various cage level barrier rodent cages and systems are intended for use with a single, specific rodent type, and each is sized to house a single specific rodent type or a plurality of that specific rodent type, and to meet ILAR standards for the specific rodent type.

15. As stated above, prior to the conception of the instant invention, each cage and rack system sold in the market was designed and dimensioned specifically to meet ILAR guidelines for a specific animal species. Because each cage and rack system, for reasons stated above, was built around the size of the cage, each of the different rodent cages and systems had different cage and rack footprints for different rodent types. Thus, a mice-only cage and system takes up a different amount of laboratory and inventory space than a rat-only cage and rack system. Consequently, efficient use of valuable laboratory and inventory space was ignored

because the type of rodent being evaluated (and thus the size of the cage and system required) would be subject to change, based on the type of rodent that would be used by a particular study.

16. Prior to the invention claimed in the Application, there was no recognition that the inefficient use of lab space was caused by the size of animal cages. The inventory and size problems experienced in the industry were a consequence of the size and the complexity of each of the different rack and cage systems sold by each manufacturer. Accordingly, efforts to solve these problems were directed at producing smaller profile racks and cages of simpler design, each for a single particular species.

17. My co-inventors and I discovered that the fact that each particular cage and rack system for a specific animal species had a unique footprint was in fact a problem. Prior to this time, no one in the industry recognized the fact that each of the then current systems were only designed to efficiently house a single species of animal within ILAR guidelines was a problem.

18. Our conception recognized that there was a problem and that the solution to the problem was to provide a cage and rack system that was capable of efficiently housing more than one species of animal, while simultaneously meeting the ILAR requirements for housing each of those animal species. In other words, the invention begins with the recognition of the problem, which is to invent a cage and rack system with respect to the overall efficiency of housing multiple species, instead of just housing one specific species.

19. By simultaneously looking at the combined efficiency of housing multiple species of animals, my co-inventors and I were able to design a cage and rack system that solved the inventory and planning problems discussed above.

20. The inventors of the instant invention also recognized that the overall dimensions of the cage must be designed to simultaneously meet ILAR guidelines for more than one animal species.

21. Similarly, the inventors of the instant invention recognized that there is a need of laboratories to move the rack and cage systems from room to room, and have a rack and cage system that can easily pass through a standard doorway (having a height of 6'8" and a width of 36"), while simultaneously meeting the ILAR guidelines.

22. The result of this inventive idea is embodied in a cage having a floor with a footprint of 80 square inches and a rack with a depth that is less than or equal to 36 inches, and that could house any of a plurality of rodent types (e.g., rats, mice, hamsters and guinea pigs).

23. This embodiment of the invention is claimed, for example, by claim 1 of the Application, which is directed to a multipurpose cage level barrier rodent cage for housing multiple species of rodents, including a plurality of mice or rats in a ventilated rack and cage system, the cage comprising a cage bottom having a plurality of integral side walls, a floor and an open top end, the floor having a length l and a width w wherein $80 \text{ square inches} \leq l \times w \leq 110 \text{ square inches}$.

24. This embodiment of the invention is also claimed, for example, by claim 3 of the Application, which recites a cage level barrier cage ventilated rack and cage system for housing a plurality of types of rodents including a plurality of mice or rats within a cage, the system comprising a double sided rack, the rack having a depth; at least one cage disposed in the rack, the cage having a cage bottom, the cage bottom having a plurality of integral side walls, a floor and an open top, and the length of the cage being less than substantially a 18 inches.

25. Claim 8 of the Application is also directed to the invention, claim 8 being directed to a cage level barrier cage ventilated rack and cage system for housing a plurality of types of rodents including a plurality of mice or rats within a cage, the system comprising: a double sided rack, the rack having a depth; and a cage disposed in the rack, the cage having a cage bottom, the cage bottom having a plurality of integral side walls, a floor and an open top, and the length of the cage being less than substantially a 18 inches; wherein the cage bottom has a length l and a width w , and wherein $80 \text{ square inches} \leq l \times w \leq 110 \text{ square inches}$.

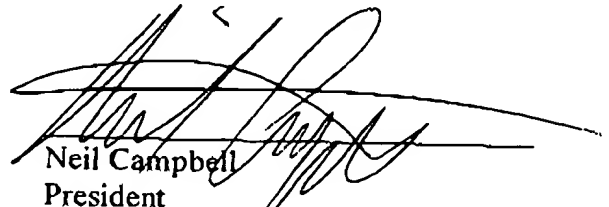
26. Likewise, this embodiment of the invention is claimed by claim 9 of the Application, which is directed to a cage level barrier cage ventilated rack and cage system for housing a plurality of types of rodents including a plurality of mice or rats within a cage, the system comprising: a double sided rack, the rack having a depth; and a cage disposed in the rack, the cage having a cage bottom, the cage bottom having a plurality of integral side walls, a floor and an open top, and the length of the cage being less than substantially a 18 inches; wherein the rack has a depth and the cage rests within said rack so that the length of the cage at least partially overlaps the depth of the rack and a portion of the cage extends beyond the rack, the portion having a length and the sum of the length of the portion and the depth of the rack is less than or equal to substantially 36 inches.

27. Accordingly, my co-inventors and I discovered that a problem existed, and it is apparent that the discovery of that problem was an inventive aspect of the invention claimed in the Application. It is significant that the cited prior art, particularly the Sheaffer and Coiro

patents never discuss this problem and provide no direction to the inventors' solution that is described and claimed in this application.

28. I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: JUNE 26, 2003


Neil Campbell
President
Lab Products, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George S. Gabriel et al.

Serial No.: 09/173,134

Art Unit: 3643

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Examiner: Son T. Nguyen

For: MULTISPECIES RODENT CAGE

DECLARATION OF NICK GUISE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Declaration is submitted by the undersigned, Nick Guise, who makes the following Declaration:

1. I am currently Associate Director of Bioresources at Wyeth Research, two Burt Road, Andover, Massachusetts, 01810. I have held that position since 1996. I have no financial interest in Lab Products, Inc. (LPI), or in any entity related to LPI or affiliated with LPI.
2. As Associate Director of Bioresources, my responsibilities include the selection and purchase of laboratory equipment, including rodent cages and systems.
3. Prior to joining Wyeth Research, I worked for Arthur D. Little. I held that position from 1987 until 1995. My title at that position was Manager of Animal Facilities.

4. Prior to working at Arthur D. Little, I worked at the Massachusetts Institute of Technology (MIT) where I was the manager of the Division of Comparative Medicine from 1985 to 1987.

5. While I was at MIT, and at Arthur D. Little, the facilities I worked at purchased animal cage components from a variety of different suppliers. While one of those suppliers was LPI, LPI equipment was by no means favored or preferred. Accordingly, prior to my beginning my present position at Wyeth Research, I was not a loyal LPI customer of rodent cages and systems, but instead, a purchaser of equipment from various suppliers. My decisions were often based upon several factors including price, utility and delivery.

6. In 1996, I joined Wyeth Research. Their new animal facility in Andover, MA, had already selected LPI rodent caging. In Fall 2000, Wyeth Research left its old 5,000 square foot facility located in Cambridge, Massachusetts, and moved to a new 17,000 square foot state-of-the-art facility. With the increased space, Wyeth Research planned to purchase new rodent cage and rack systems.

7. Upon seeing the One Cage™ system from LPI around the Fall of 1999, I realized that LPI had addressed a problem faced by research facilities. At that time and to this date, I am not aware of any other company having addressed this problem. The problem is that, with floor space and storage being at a premium, prior to the One Cage™ system, suppliers had limited their improvements of cage systems to meet Institute for Laboratory Animal Research (ILAR) standards for each individual type of rodent size and/or species. Thus, manufacturers provide specialized rodent cage and rack systems,

with each particular rodent cage and rack system being dimensioned and configured for a specific rodent type and/or size. For example, a certain cage and rack system would be dimensioned and configured specifically to house mice, while another cage and rack system would be dimensioned and configured to specifically house rats. In contrast, with the One Cage™ system, LPI developed a cage system that is dimensioned and configured to accommodate a plurality of different rodent types, while meeting ILAR requirements for each rodent type.

8. Wyeth Research purchased forty-three (43) One Cage™ rack and cage systems on October 13, 2000, and thirty-six (36) One Cage™ rack and cage systems on October 25, 2000. Wyeth Research's decision to purchase One Cage™ rack and cage systems was based on several reasons.

9. First, LPI's One Cage™ System met Wyeth Research's rodent caging system needs exceedingly well and enabled Wyeth Research to accommodate different rodent species (i.e., sizes) with the benefit of reducing inventory of cage types. Wyeth has also been able to standardize the size of each lab space due to the design and dimension of the One Cage™ System.

10. Second, the "standardized caging" provided by LPI's One Cage™ System has greatly enhanced Wyeth Research's efficiency and laboratory and storage space utilization.

11. The benefits recognized by Wyeth Research are due to the ability of LPI's One Cage™ System to accommodate a plurality of rodent types, and to its unique size and proportion, specifically, to the fact that the cage level barrier rodent cage of the One

Cage™ System has a floor with a footprint that meets ILAR standards for multiple species of rodents. That is, the One Cage™ System meets ILAR requirements for each rodent type.

12. Since LPI's introduction of its One Cage™ System, Wyeth Research has not found any other cage level barrier rodent cage system that can accommodate a plurality of different rodent types, while meeting ILAR requirements for each rodent type, as can the One Cage™ System.

13. One reason Wyeth Research selected and continues to purchase LPI's One Cage™ System is the cost savings we realize by not having to purchase and inventory different cage level barrier rodent cages and systems for our different rodent type needs. We can now purchase a single cage level barrier rodent cage and system for all of our rodent types.

14. Another reason Wyeth Research selected and continues to purchase LPI's One Cage™ System is that it provides us with the ability to standardize the size of our cage level barrier rodent cages and systems. We have been able to significantly improve and standardize our use of laboratory and inventory space as a result of the standardized cage and rack footprint provided by the One Cage™ System. I believe that the One Cage™ System is a significant improvement over other commercially available cage level barrier rodent cages and systems because it results in a more efficient use of valuable laboratory space and has simplified facilities planning and design.

15. I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further

Application Serial No.: 09/173,134

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: May 9th, 2003

Nick Guise
Nick Guise
Associate Director of Bioresources
Wyeth Research